

## REMARKS

Claims 1-30 remain pending in the instant application. Claims 1-30 presently stand rejected. Claims 2, 9, 11, 16, 21, and 23-30 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 101*

Claims 23-30 stand rejected under 35 U.S.C. §101 as reciting non-statutory subject matter because of the last sentence of Applicants' paragraph [0050] which recites "a machine-readable medium can include propagated signals such as electrical, optical, acoustical or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.). Accordingly, Applicants have amended claims 23-30 to limit the machine readable medium to "tangible" machine readable mediums. Thus, Applicants respectfully submit that claims 23-30 are properly directed to statutory subject matter as required under 35 U.S.C. §101 and request that the §101 rejections be withdrawn.

### *Statement of Common Ownership*

The present patent application and US Pub. 2004/0193867 to Vincent J. Zimmer, were, at the time the invention of the present application was made, owned by or subject to an obligation of assignment to Intel Corporation of Santa Clara, California.

### *Claim Rejections – 35 U.S.C. § 103*

Claims 1-3, 8-11, 15-19, and 23-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cox (US 5,349,643) in view of **Zimmer** (US 2004/0193867). Claims 4-7, 12-14, 20-22, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cox in view of **Zimmer** and further in view of Zick (US 2005/0010680).

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsection (e), (f), and (g) of section 102 of this title, **shall not preclude patentability under this section** where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject

to an obligation of assignment to the same person.” 35 U.S.C. § 103(c) [**emphasis added**].

Applicants kindly bring to the attention of the Examiner that both Zimmer and the instant application were, at the time the present invention was made, both owned by or under an obligation of assignment to Intel Corporation of Santa Clara, California. Therefore, pursuant to 35 U.S.C. §103(c), Zimmer may not be relied upon to preclude patentability under §103(a). Accordingly, Applicants respectfully request that the instant §103(a) rejections of claims 1-30 be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.


### **CHARGE DEPOSIT ACCOUNT**

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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